IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1865 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SIDI ABDEMAN ISMAILBHAI

Versus

PATEL VALLABHBHAI GOKALBHAI HIRPARA

Appearance:

1. Civil Revision Application No. 1865 of 1999

MR AJ SHASTRI for Petitioner No. 1

RULE SERVED for Respondent No. 1-4

MR MR MENGDEY, AGP for Respondent No. 5-6

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 10/03/2004

ORAL JUDGEMENT

The petitioner herein is the original defendant of Regular Civil Suit No.181/1999, which is pending

before the learned Civil Judge (S.D.) at Veraval. In the said suit, respondents submitted an application at Exh.5 for interim injunction. The trial Court rejected the said application against which the respondent herein has preferred an appeal being Civil Misc.Appeal No.150/1999. The appellate Court allowed the said appeal and granted injunction against the petitioner-original defendant restraining him from putting any further encroachment on the suit pasture land till the disposal of the suit. The said order is under challenge in this revision application.

2) The impugned order is in interlocutory nature, therefore, in my view, the said order is not revisable in view of the amendment in Section 115 of C.P.C. and this revision is not maintainable. Accordingly, this revision application is disposed of, as not maintainable. Rule is discharged. No order as to costs. It will be open for the petitioner to challenge the impugned order by filing a petition under Article 227 of the Constitution of India, if he so desires. Interim relief granted earlier by this Court, is ordered to be extended till 2nd April, 2004.

(P.B.Majmudar,J.)

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